

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claim 1 to replace the phrase “and if” with the word “whereupon” to remove the optional language pointed out by the Examiner. Applicant respectfully submits no new matter has been added. Accordingly, Claims 23-41 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 23-26 under 35 U.S.C. § 102(e) as being anticipated by Kalmanek Jr., et al. (US 6,482,912). The Applicant respectfully traverses the rejection of these claims.

As previously noted, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claims.

In rejecting the elements of the independent claims, the Examiner equates resource management to credit management as claimed by the Applicant. Kalmanek, does not describe a credit management system as claimed by the Applicant but, Kalmanek does describe resource management. From the online source “encyclopedia2.thefreedictionary.com/resource” a definition of network resources: “One element of hardware, software or data that is part of a larger system. For example, network resources are the available servers and printers in the network. Software resources can be programs, utilities or even smaller elements within a program. Data resources are the files and databases that can be accessed.”

The Applicant describes “...a credit management system 8 ... managing units, including monetary units, units of time units of volume,...” (paragraph [0032]). The Applicant respectfully submits that the Kalmanek reference discloses resource

management as having to do with the management of hardware and applications of the network and there are numerous examples of this throughout the Kalmanek reference (including Abstract; col. 2, lines 12-21; col. 4, lines 20-27).

The Examiner cites portions of Kalmanek in equating the Applicant's "managing unit reservation of an account by a credit management system" to management of accounts including pre-paid scenarios. Remembering the examples of "unit" given above, the portions cited in the rejection: 1) column 5, lines 7-26, does not disclose any management of accounts, instead, edge devices are disclosed as "...implementing resource management and admission control mechanisms..."; 2) column 8, lines 57-64, discloses a called party accepting a call and if the called party has an answering machine a timer can assist in connecting the call and column 8, line 64 through column 9, line 5 continues with the description of the reservation of network resources (not credit) being reserved and committed with a reservation request (appropriate signaling messages); 3) column 9, lines 57-67 describes routing of a setup message between a calling party and a called party that includes the gate controllers, but there is nothing in the portion that has to do with credit management; 4) column 49, lines 27-36 discloses acronym information for BID, TID, E.164, CN, LA, GA and PN. This has to do with identifying a call for billing purposes. The only relation these cited portions of Kalmanek have with the credit management system is that billing is addressed by Kalmanek, but credit management of unit reservations is not mentioned.

The Applicant believes that the difference is clear; there is no mention in Kalmanek of credit management (billing after call completion is discussed, but not in the credit management context; see col. 62, lines 9-13, col. 4, lines 4-7, among others). Regarding the pre-paid scenario reference mentioned as support for subscriptions; pre-paid is mentioned with respect to limiting calls that is, calling time can be limited through use of a pre-paid calling card. There is no mention of, or allusion to, a calling card as part of a credit managing system.

The Applicant respectfully directs the Examiner's attention to claim 1.

23. (Previously Presented) A method for managing credit of an account in a multi-service telecommunications system that comprises a credit management system and service capability servers providing services in exchange for units, the method comprising:

reserving a predetermined amount of units for the account before provisioning of a service, whereupon a service capability server reservation of credits for a next service request to be provided cannot be granted due to an insufficient amount of reserved units for the account;

instead of denying the reservation, the credit management system sending a message for forced booking of consumed units to all service capability servers connected with the account; and

the credit management system releasing any remaining reservations of units to ensure a total balance in the account is up to date at the moment the forced booking takes place.

The Applicant respectfully submits that the Kalmanek reference does not teach, suggest or disclose all the limitations of claim 1.

The Applicant describes the attributes of forced booking in paragraph [0017] of the present application; "[B]y carrying out forced booking of consumed credits the credit management system can send a message to all service capability servers connected to an account, force them to book all the consumed credits and release the remaining credits. (emphasis added)

The Kalmanek reference is directed to resource management (as described above, not credit management) and Kalmanek discloses a two stage assignment of network resources to a call. Resources (applications and nodes to complete a call) are first reserved during call set-up and at the second stage of the call the resources are committed when the parties accept the call. Kalmanek does not address the situation that when a set-up request arrives to connect caller and called parties there are no credits available. This is because the concern of Kalmanek is for completing the call, not managing credit. If the request arrives and there are no credits available, Kalmanek's only solution is that the reservation is not acknowledged and thus, there is no call. Kalmanek does not, e.g., discuss reshuffling of credit between ongoing calls. The service would be denied, which is the problem that the Applicant's present invention solves.

If the present invention were to follow the steps of the Kalmanek reference, as applied to credit management, ending a call would mean that units are released. All credits would be returned and further services would be denied. Using the Kalmanek reference as a template a person skilled in the art would end up with a credit

management system where a request comes in a first stage and the request is granted by the system in a second stage by allowing a certain time for the call. When a resource (or a credit) is not available, the service is denied by not acknowledging the request and a user would have to restart each service. However, a problem being solved by the present invention is that services are continuously provided because of the forced booking of the consumed credits.

Claims 25 and 26 are rejected in general without attribution. Accreditation is disclosed in a number of places in the Specification (para. [0019], para. [0044] and refers to an accounting for credit reservations, which are evaluated using a set of accreditation rules.

For all the above reasons, the Applicant submits that claims 23 and the respective dependent claims 24-26 are not anticipated by the Kalmanek reference. The Applicant respectfully requests the allowance of claims 23-26.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 27-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalmanek ('912) in view of Smith, et al. (WO 98/56160) (hereinafter "Smith"). The Applicant respectfully traverses the rejection of these claims.

The Applicant respectfully traverses this rejection because Smith was commonly owned at the time this invention was made.

Statement of Common Ownership:

This present application and Smith was, at the time of the invention of the present application, owned by, or subject to an obligation of assignment to Telefonaktiebolaget LM Ericsson, a Swedish corporation.

This present application was filed after November 29, 1999. Accordingly, Applicant asserts that the subject matter of Smith is disqualified as prior art under 35 U.S.C. § 103(c).

Even if the Smith reference were not commonly owned, the Applicant respectfully submits that Smith does not disclose the elements missing from the Kalmanek reference.

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations."

The Smith reference discloses the regular process of reserving and booking credits. A portion of a value is withdrawn from a subscriber's pre-paid account. A withdrawal of a second portion from the subscriber's pre-paid account can be made responsive to receipt of a second transaction request if available. The second transaction is processed, in parallel with the first transaction, in response to the second transaction request if the request approval step is approved. Smith, in summary, withdraws a first amount from the account based on an estimate of the call length and if the value left in the account is large enough to cover a second withdrawal request, a second amount is withdrawn and allocated to cover the ongoing call. Once the call is completed, any remainder of the allocated amount is returned to the pre-paid account. Consequently, if a parallel transaction takes place, the account value made available for this transaction may be less than or equal to the actual current account value.

As in the Kalmanek reference, among other limitations, the Smith reference does not disclose "forced booking" of consumed credit as Smith does not address the problem that the present invention addresses. Smith does not address the problem of multiple services reserving credits associated with a common account (different users having access to the same account) where a late arriving service will not be able to run because credits are not reserved for the late service. Nor does Smith address the problem of multiple users accessing one or more services from the same account. Basically, the Smith reference fails to provide at least the limitations missing from the Kalmanek reference.

Claims 27-28 are rejected and Kalmanek is noted as not explicitly reciting the accreditation of said units being subject to a plurality of accreditation rules. Smith is referenced as disclosing these limitations on pages 8-9, lines 27-9 and page 10-13. With regards to pages 8-9 lines 27-9, the applicant respectfully submits that accreditation rules are not disclosed. A procedure is disclosed for use when a remainder of the allocated amount is returned to a pre-paid account. In order to respond

to the rejection regarding pages 10-13, the Applicant respectfully requests a more specific attribution since it covers Figures 2a, 2b and 3, which is pretty broad.

The Applicant respectfully submits that Kalmanek and Smith, whether considered individually or in combination, do not render the respective dependent claims 24-41 and 43-44. This being the case, the Applicant respectfully requests the allowance of these claims.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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